

Message Text

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ACTION DHA-05

INFO OCT-01 ARA-10 ISO-00 SS-15 PRS-01 INR-07 L-03
H-01 MCT-01 PM-05 SP-02 /051 W
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P R 021430Z SEP 77
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 2056
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO

C O N F I D E N T I A L SECTION 1 OF 2 BUENOS AIRES 6559

E.O. 11652: GDS
TAGS: SHUM, PFOR, AR
SUBJECT: DERIAN MEETING WITH MINISTER OF INTERIOR
HARGUINDEGUY

REF: (A) BAIRE 6221 (NOTAL) (B) STATE 193418 (NOTAL)

SUMMARY: HUMAN RIGHTS COORDINATOR MET WITH MINISTER
OF INTERIOR ON AUGUST 10. THERE SEEMED TO BE SOME
CONFUSION AS TO WHO HAD REQUESTED THE MEETING. THE
MINISTER STRESSED HIS DUTY IN PROTECTING THE MAJORITY
OF THE ARGENTINE PEOPLE IN A TIME OF WAR AGAINST
SUBVERSION, MRS. DERIAN STRESSED THAT THE TIME HAD
NOW ARRIVED FOR A RETURN TO DUE PROCESS.

1. MRS. DERIAN STARTED BY EXPLAINING TO THE MINISTER
THAT SHE WAS VERY CONCERNED WITH THE ENORMOUS NUMBER OF
PEOPLE WHO HAD DISAPPEARED, THE NUMBER IN JAIL
WITHOUT CHARGES, THE NUMBER WHO ARE SIMPLY LOST AND THE
NUMBER FOUND INNOCENT WHO REMAIN IN JAIL. SHE SAID IT
APPEARS THAT ONCE A PERSON IS PICKED UP IT IS IMPOSSIBLE
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TO GET RELEASED. SHE REFERRED TO THE HARD FIGHT AGAINST
TERRORISM, STATING THAT SHE THOUGHT THE BACK OF THE
TERRORISTS HAD NOW BEEN BROKEN. SHE WORRIED THAT WHEN
A WIDE NET IS CAST MANY INNOCENT PEOPLE GET CAUGHT.
SHE EXPLAINED THAT THE CHIEF OBSTACLE FOR RETURNING TO
NORMAL RELATIONS WITH THE US IS OUR CONCERN FOR THE MASS OF
PEOPLE CAUGHT IN THE SYSTEM WITH NOTHING HAPPENING. SHE

CITED PARTICULAR CONCERN FOR JACOBO TIMMERMAN AS A PERSON WHO HAS BECOME A SYMBOL OF THIS PROBLEM. SHE NOTED THAT WHEN SHE TALKS WITH HIGH GOVERNMENT OFFICIALS THEY SPEAK OF REGULARIZING PROCEDURES, BUT THAT WHEN SHE TALKS TO INDIVIDUALS IT APPEARS THAT THESE PLANS AREN'T BEING CARRIED OUT IN PRACTICE.

2. THE MINISTER RESPONDED THAT HER PREOCCUPATION FOR THE RIGHTS OF THE PERSON ARE NO LESS THAN THE RESPONSIBILITY THE GOA HAS FOR INTERNAL SECURITY. HE SAID THE GOA WAS FIGHTING AN UNDECLARED WAR AND OPERATING UNDER THE EXCEPTIONS GRANTED BY THE CONSTITUTION. HE SAID THIS PERMITTED THE GOVERNMENT TO SHIFT PEOPLE FROM ONE PLACE TO THE OTHER UNLESS THEY EXERCISED THE RIGHT OF OPTION. HE ACKNOWLEDGED THIS RIGHT WAS SUSPENDED BECAUSE THE GOVERNMENT COULDN'T AFFORD TO LET 2,000 PEOPLE OUT TO GATHER AGAINST IT ON THE FRONTIER. MRS. DERIAN ASKED IF ALL THE DETAINED WERE TERRORISTS. THE MINISTER NOTED THAT THOSE WHO WERE DETAINED WITHOUT PROCESS WERE TERRORISTS AND THAT THESE ARE FEW. HE SAID MANY ARE GOING THROUGH CIVIL AND MILITARY COURTS.

3. MRS. DERIAN SAID THAT THE INSTINCTIVE REACTION TO TERRORISM IS TO DO WHAT THE GOA HAD DONE AND THAT IT MAKES THE PEOPLE VICTIMS OF THE STATE. SHE REFERRED TO THE MOTHERS AND WIVES WHO JOIN TOGETHER IN THE CONFIDENTIAL

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PLAZA EVERY THURSDAY AND CALL ON DIFFERENT OFFICES, INCLUDING THAT IN THE MINISTRY OF INTERIOR, SEEKING INFORMATION ON THEIR FAMILY MEMBERS. SHE ALSO REFERRED TO LABOR LEADERS IN JAIL SINCE 1975.

4. THE MINISTER SAID THAT HE TOO HAD TALKED TO WOMEN WHOSE FAMILY MEMBERS DISAPPEARED THAT THERE WAS AN OFFICE IN HIS MINISTRY TO DEAL WITH THEIR INQUIRIES. HE SAID, HOWEVER, THAT IF THESE WOMEN JOINED TOGETHER IN CONCERTED ACTION AND, IN EFFECT, ARE DEMONSTRATING WITHOUT A PERMIT, THAT THIS WOULD BE AGAINST THE LAW. HE ASKED MRS. DERIAN TO CONSIDER THE CAUSES FOR DISAPPEARANCES.

5. SHE SAID SHE HAD HEARD THEM MANY TIMES AND HAD SEEN A BIG BOOK, THAT SHE UNDERSTOOD THE GOA'S PROBLEM WITH TERRORISM BUT DID NOT UNDERSTAND A GOVERNMENT WHICH WOULD NOT FURNISH THE NAMES OF THE TERRORISTS.

6. THE MINISTER REFERRED TO THE FACT THAT HOSE DETAINED WERE IN NORMAL JAILS AND THAT ARGENTINE JAILS WERE OPEN TO THE INTERNATIONAL RED CROSS (ICRC). HE HANDED HER COPIES IN SPANISH OF ICRC REPORTS. MRS. DERIAN SPECULATED THAT

PRISONERS MIGHT BE HELD IN OTHER PLACES WHICH THE RED CROSS HAS NOT SEEN. THE MINISTER SAID THEY LET THE RED CROSS GO WHEREVER IT WANTS, INCLUDING TO MILITARY INSTITUTIONS. HE SAID THERE WERE NO CONCENTRATION CAMPS. ASKED ABOUT THE NAVY MECHANICAL SCHOOL, HE SAID PEOPLE MIGHT BE HELD FOR INTERROGATION IN SUCH PLACE BUT WOULD NOT BE JAILED THERE. HE SAID SUBVERSIVES ARE JAILED IN THE MAXIMUM SECURITY PRISONS.

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7. MRS. DERIAN ASKED THE MINISTER WHAT WERE THE NORMS FOR INTERROGATION. THE MINISTER RESPONDED THAT WHEN THE FIGHT AGAINST TERRORISM STARTED, THOSE CAUGHT WERE TOUGH AND HIGHLY DISCIPLINED AND HAD A HIGH MORALE. HE SAID THEY WOULDN'T CONFESS ANYTHING; BUT NOW THE FIRST THING THAT PEOPLE CAUGHT DO IS TO GIVE THE NAMES OF THEIR ACCOMPLICES. HE SAID THE SUBVERSIVES ARE NOW COOPERATING AND THE GOVERNMENT SHOWS CLEMENCY TO THOSE WHO TURN THEMSELVES IN AND IS STARTING TWO PENAL COLONIES TO REINTEGRATE THOSE WHO COOPERATE INTO SOCIETY. THE MINISTER SAID THAT ONCE IT IS DETERMINED THAT A PERSON HAS PROVIDED THE NEEDED INFORMATION HE PASSES INTO ONE OF THREE SITUATIONS. THE GREAT BULK, WHERE THE EVIDENCE AGAINST THEM IS SUFFICIENT, GO TO THE CIVIL OR MILITARY TRIBUNALS. THE OTHERS, WHO HAVE CONFESSED BUT WHERE EVIDENCE IS LACKING, OR WHO DON'T CONFESS BUT WHO ARE ACCUSED BY OTHERS BUT TANGIBLE EVIDENCE IS LACKING, ARE HELD UNDER ARTICLE 23 BY THE EXECUTIVE POWER. THESE ARE THE PEOPLE WHO COULD EXERCISE

THE RIGHT OF OPTION AND, AT THIS TIME, THERE EXIST THE
JUDICIAL INSTRUMENTS NECESSARY TO REINSTITUTE THE
RIGHT OF OPTION.
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8. MRS. DERIAN OBSERVED THAT IT APPEARED AS IF THE
GOVERNMENT USED THE CONSTITUTION WHEN IT WAS TO ITS
BENEFIT AND SUSPENDED IT OTHERWISE. THE MINISTER
OBSERVED THAT IN A STATE OF WAR ONE COULDN'T LET THE
ENEMY GO. MRS. DERIAN OBSERVED THAT IN THE IDEOLOGICAL
KIND OF WAR WHICH ARGENTINA FACED, THE GOVERNMENTS
STRENGTH AND PUBLIC SUPPORT LAG IN ITS RESPECT FOR THE
RULE OF LAW. SHE SAID THAT THERE WAS LIMITED TIME WHERE
PEOPLE WOULD PUT UP WITH ALMOST ANYTHING TO RETURN TO
DEMOCRATIC NORMS BUT THAT TIME WAS VERY LIMITED. SHE
COUNSELED THAT IT WAS NOW TIME FOR THE GOA TO SHOW ITS
STRENGTH BY RETURNING TO LEGAL NORMS AND PUBLISHING THE
NAMES OF THOSE DETAINED.

9. THE MINISTER OBSERVED THAT MANY OF THOSE WHO HAVE
DISPEARED WERE NOT HELD BY THE GOVERNMENT. HE POINTED TO THE
CRIME FREE ATMOSPHERE OF ARGENTINA AND STRESSED IT WAS
THE GOVERNMENT'S DUTY TO PROTECT THE MANY FROM THE FEW.
MRS. DERIAN ASKED HIM ABOUT PEOPLE BEING ARRESTED FOR NOT
HAVING AN IDENTITY CARD AND WONDERED IF THE SITUATION IN
ARGENTINA WAS LIKE THAT IN SOUTH AFRICA WHERE ALL WERE
EXPECTED TO CARRY IDENTITY CARDS. THE MINISTER SAID
THIS WAS THE SYSTEM.

10. RETURNING TO THE TIMMERMAN CASE, WHICH MRS. DERIAN
HAD MENTIONED EARLIER, THE MINISTER SAID THAT TIMMERMAN
WAS AN OLD FRIEND, BUT THAT HE HAD HEARD TAPES AND SEEN A
WRITTEN CONFESSION. MRS. DERIAN TOLD HIM THAT WE DID
NOT HAVE CONFIDENCE IN ANY CONFESSION OBTAINED AS A
RESULT OF TORTURE.

11. THE MINISTER SAID THAT TIMERMAN HAD BEEN IN HIS
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OFFICE AND LIED TO HIM ABOUT GRAVIER'S INTEREST IN HIS
NEWSPAPER. HE SAID HIS CASE WAS BEING PROCESSED AND
INVITED MRS. DERIAN OR THE CHARGE TO VISIT TIMERMAN.
MRS. DERIAN RESPONDED THAT SHE WOULD LIKE THE MINISTER
TO SEE HIM, THAT SHE HAD SEEN HIM ON A PREVIOUS
VISIT BECUASE HE REPRESENTED A DIFFERENT AND RESPECTED

POINT OF VIEW, THAT HE HAD DEFENDED THE GOVERNMENT AT THAT
TIME AND THAT HIS EDITORIALS MANIFESTED THAT SUPPORT.
THE MINISTER AGREED. MRS. DERIAN ADDED THAT NOT TEN
DAYS AFTER SHE SAW TIMERMAN HE WAS ARRESTED, THAT
CHARGES HAVE NOT YET BEEN BROUGHT AGAINST HIM AND THAT
HE HAS BEEN MOVED FROM JAIL TO JAIL AND HIS HEALTH
HAS SUFFERED GREATLY.
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